

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application) PATENT APPLICATION
Inventor(s): Rocky Stewart,)
Pal Takacsi-Nagy,)
Timo Metsaportti and)
Adrian Price)
SC/Serial No.: 09/785,862) Art Unit: 2176
Confirm. No.: 6339) Examiner: Unassigned
Filed: February 16, 2001)
Title: WORKFLOW INTEGRATION SYSTEM)
FOR ENTERPRISE WIDE ELECTRONIC)
COLLABORATION) Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on July 13, 2001.

(Agent Signature)

Karl Kenna, Reg. No.: 45,445

Signature Date: July 13, 2001

DECLARATION UNDER 37 C.F.R. §1.47 ON BEHALF OF
SIGNING INVENTORS IN SUPPORT OF
PETITION TO ACCEPT DECLARATION IN RESPONSE TO
A MISSING PARTS WITHOUT THE SIGNATURE OF A JOINT INVENTOR

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

Sir:

Applicants, through their undersigned attorney, hereby petitions the Commissioner to accept Applicants' Response to Notice to File Missing Parts in the above-identified application. Applicants make the following declaration:

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Declaration by Applicant

1. Inventor Timo Metsaportti, a former employee of BEA Systems, Inc., is a joint inventor in the above-identified application, as well as other recently filed patent applications, assigned or to be assigned to BEA Systems, Inc.

2. On April 17, 2001, Applicants' attorney, in his customary practice of obtaining updated inventorship information for inventors and employees of BEA Systems, Inc., sent an email to inventor Timo Metsaportti at his email address at BEA Systems, Inc. identified as follows: timo.metsaportti@beasys.com. A copy of the email is attached and incorporated herein by reference as Exhibit A. The undersigned received no response.

3. On April 24, 2001, Applicants' attorney sent a second email to inventor Metsaportti at the above-identified email address, and again received no response. Copy of the email is attached and incorporated herein by reference as Exhibit B.

4. On April 27, 2001, after learning that Inventor Metsaportti was no longer employed by BEA Systems, Inc., and after preparing the necessary formal documents required in all newly filed patent applications where Inventor Metsaportti is listed as a joint inventor, Applicants' attorney sent via FedEx multiple declaration and assignment documents, as well as copies of all applicable patent applications, to Inventor Metsaportti's last known home address for review and execution. Applicants' attorney received an email confirmation from FedEx that the above FedEx package was delivered to the address indicated on April 30, 2001 and the package was signed for by Irene Summanen. Copy of FedEx email confirmation is attached and incorporated herein by reference as Exhibit C.

5. On May 23, 2001, Applicants' attorney contacted Inventor Metsaportti's former employer BEA Systems, Inc. for Inventor Metsaportti's last known home telephone number, and attempted to contact Inventor Metsaportti, but received no response.

6. On June 6, 2001, Applicants' attorney attempted to contact Inventor Metsaportti again at his last known home telephone number, and learned that the telephone number was invalid.

7. Applicant believes it has made a diligent effort in attempting to contact Inventor Metsaportti so as to fulfill the formal documents requirement in a timely manner. Due to Inventor Metsaportti's non-response to Applicant's numerous attempted contacts over a course of

approximately two months, Applicants conclude that Inventor Metsaportti is refusing to execute all formal documents required by the Notices to File Missing Parts in all recently filed patent applications listing Inventor Metsaportti as a joint inventor.

8. Inventor Timo Metsaportti's last known contact information is Koivunrunko 8B, Espoo, Finland 02130, telephone number 011 3588 301008.

Respectfully submitted,

FLIESLER DUBB MEYER & LOVEJOY LLP

Date: July 13, 2001

By: 

Karl Kenna
Reg. No. 45,445

FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
(415) 362-3800

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Mary Buggie

Exhibit A

From: Mary Buggie
Sent: Tuesday, April 17, 2001 2:45 PM
To: 'timo.metsaportti@bea.com'
Subject: Information Needed

Dear Timo,

We are in the process of preparing formal documents for your signature for the following patent applications we filed for BEA Systems on February 16, 2001:

Open Market Collaboration System for Enterprise Wide Electronic Commerce
Message Routing System for Enterprise Wide Electronic Collaboration
Conversation Management System for Enterprise Wide Electronic Collaboration
Workflow Integration System for Enterprise Wide Electronic Collaboration

However, we do not have your country of citizenship on file, which is required on the Declaration for Patent Application document.

Please provide us with your country of citizenship as soon as possible so we may send you the formal documents.

Thank you,

Mary Buggie
Assistant to Karl Kenna
Fliesler Dubb Meyer & Lovejoy LLP
Four Embarcadero Center
Fourth Floor
San Francisco, CA 94111
(415) 362-3800, xt. 278
(415) 362-2928 fax
mbuggie@fdml.com

Mary Buggie

Exhibit B

From: Mary Buggie
Sent: Tuesday, April 24, 2001 4:06 PM
To: 'timo.metsaportti@beasys.com'
Subject: FW: Information Needed

-----Original Message-----

From: Mary Buggie
Sent: Tuesday, April 17, 2001 8:35 AM
To: 'timo.metsaportti@bea.com'
Cc: Karl Kenna; Jan Smith
Subject: Information Needed

Dear Timo,

We are in the process of preparing formal documents for your signature for the following patent applications we filed for BEA Systems on February 16, 2001:

Open Market Collaboration System for Enterprise Wide Electronic Commerce
Message Routing System for Enterprise Wide Electronic Collaboration
Conversation Management System for Enterprise Wide Electronic Collaboration
Workflow Integration System for Enterprise Wide Electronic Collaboration

However, we do not have your country of citizenship on file, which is required on the Declaration for Patent Application document.

Please provide us with your country of citizenship as soon as possible so we may send you the formal documents.

Thank you,

Mary Buggie
Assistant to Karl Kenna
Fliesler Dubb Meyer & Lovejoy LLP
Four Embarcadero Center
Fourth Floor
San Francisco, CA 94111
(415) 362-3800, xt. 278
(415) 362-2928 fax
mbuggie@fdml.com

Mary Buggie

Exhibit C

From: sysdeliv@esprim6.prod.fedex.com
Sent: Wednesday, May 02, 2001 6:45 AM
To: mbuggie@fdml.com
Subject: FedEx shipment 791147043041

Our records indicate that the shipment sent from KARL KENNA/FLIESLER DUBB MEYER & LOVEJOY to Timo Metsaportti has been delivered.

The package was delivered on 4/30/2001 at 12:11 PM and signed for or released by I.RENE S-SUMMANEN.

The ship date of the shipment was 4/27/2001.

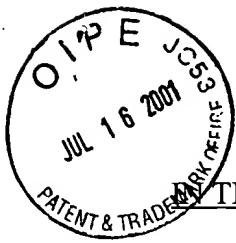
The tracking number of this shipment was 791147043041.

Thank you for shipping with FedEx Ship Manager at FedEx.com.
https://www.fedex.com/cgi-bin/ship_it/interNetShip/

To track the status of this shipment on line click on the following:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=791147043041&action=track&language=english&cntry_code=us

Disclaimer

FedEx has not validated the authenticity of any email address.



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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application) PATENT APPLICATION
Inventor(s): Rocky Stewart,)
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(Agent Signature)

Karl Kenna, Reg. No.: 45,445

Signature Date: July 13, 2001

**PETITION UNDER 37 C.F.R. §1.47 ON BEHALF OF
SIGNING INVENTORS TO ACCEPT DECLARATION IN RESPONSE TO
A MISSING PARTS WITHOUT THE SIGNATURE OF A JOINT INVENTOR**

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

07/13/2001 BSAYASI1 00000007 09785862

04 FC122 Sir: 130.00 00

The signing inventors, through the below-signed attorney in the above-identified application, hereby petition the Commissioner to accept Applicants' Response to Notice to File Missing Parts.

Avoidance of Further Delay

To avoid any further delay and additional fees in its Response to the Notice to File Missing Parts in the above, and to submit all formal documents in a timely manner, the signing inventors petition the Commissioner to deem Applicants' missing parts requirement fulfilled, and to proceed with further prosecution of the herein case without further attempts required of Applicants in obtaining Inventor Timo Metsaportti's execution of formal documents.

Applicants' Response to Notice to File Missing Parts is enclosed along with all required formal documents.

Also enclosed is a \$130.00 petition fee required by 37 CFR §1.17(i), and included in the total amount submitted in Applicant's Response to Notice to File Missing Parts.

The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

FLIESLER DUBB MEYER & LOVEJOY LLP

Date: July 13, 2001

By: _____



Karl Kenna
Reg. No. 45,445

FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
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Telephone: (415) 362-3800